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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/541,826	09/16/2005	Stephen William Erwin	26883U	4279

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NATH & ASSOCIATES
112 South West Street
Alexandria, VA 22314

EXAMINER

COLLINS, MICHAEL

ART UNIT	PAPER NUMBER
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3651

MAIL DATE	DELIVERY MODE
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07/20/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/541,826

Applicant(s)

ERWIN, STEPHEN WILLIAM

Examiner

Michael K. Collins

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 July 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 7/11/2005, 5/25/2007.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Chirnomas (USP 7,137,530).

Regarding claim 1, Chirnomas discloses a vending machine (10) for dispensing bags (see column 13 line 1) comprising a housing having an interior and an exterior, a storage compartment (502) for storing bags located in the interior of the housing, a dispensing compartment (22) accessible from the exterior of the housing, suction means (220) positioned to allow movement between the storage compartment and the dispensing compartment, the suction means adapted to grasp the bags stored in the storage compartment, hold the bags during movement and release the bags into the

dispenser compartment (see abstract), and control means (212) to control the movement of the suction means.

Regarding claim 2, Chirnomas discloses the vending machine as defined in claim 1, wherein the vending machine further comprises a means for accepting payment (26,28,34) for the bags prior to dispensing the bags, the payment initiating a dispensing cycle once made.

Regarding claim 3, Chirnomas discloses the vending machine as defined in claim 1, wherein the machine dispenses at least one type of bags chosen from the group comprising paper bags, woven high density polyethylene bags, calico bags, cloth bags, and bags containing biodegradable material (see column 13 line 1).

Regarding claim 4, Chirnomas discloses a vending machine (10) for dispensing paper bags comprising a housing having an interior and an exterior, a storage compartment (502) for storing paper bags located in the interior of the housing, a dispensing compartment (22) accessible from the exterior of the housing, suction means (220) positioned to allow movement between the storage compartment and the dispensing compartment, the suction means adapted to grasp the paper bags stored in the storage compartment, hold the paper bags during movement and release the paper bags into the dispenser compartment (see abstract), and control means (212) to control the movement of the suction means.

Regarding claim 5, Chirnomas discloses the vending machine according to claim 1 wherein the storage compartment comprises a base, a front wall and an opposed rear wall and two opposed side walls, the base associated with a movable plate (552)

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positioned above the base which can move up and down.

Regarding claim 6, Chirnomas discloses the vending machine according to claim 5 wherein the movable plate (552) is located adjacent the base when the storage compartment is filled and moves upwardly in small increments as bags are dispensed to allow a bag to always be in position for engagement with the suction means until the storage compartment is empty.

Regarding claim 7, Chirnomas discloses the vending machine according to claim 1 wherein the storage compartment comprises more than one storage area each storage area containing different size bags.

Regarding claim 8, Chirnomas discloses the vending machine according to claim 1 wherein the bags with which the storage compartment is loaded are disposed in a horizontal, flattened position.

Regarding claim 9, Chirnomas discloses the vending machine according claim 1 wherein an access door is provided to the dispensing compartment, and the access door is only opened as a part of a dispensing cycle and the dispensing cycle does not operate while the access door is opened (see column 6 lines 38-51).

Regarding claim 10, Chirnomas discloses the vending machine according to claim 1 wherein the suction means is associated with a guide means (550) to allow easy movement between the storage and the dispenser compartments.

Regarding claim 11, Chirnomas discloses the vending machine according to claim 1 wherein the control means (212) is associated with a means for accepting payment for the bags to allow the control means to start the dispensing cycle once the

payment has been made.

Regarding claim 12, Chirnomas discloses the vending machine according to claim 1 wherein the control means include a communication means (414) with a digital counting means allowing monitoring of the level of inventory of bags in a vending machine from a remote location.

Regarding claim 13, Chirnomas discloses a method for dispensing bags (see column 13 line 1) from a vending machine (10) comprising the steps of providing a plurality of bags in a storage compartment (502), accepting payment (26,28,34) for the bags from a user, operating a suction means (220) positioned to allow movement between the storage compartment and a dispensing compartment to grasp the bags stored in the storage compartment, the suction means holding the bags during movement and the suction means releasing the bags into the dispenser compartment for collection by the user (see abstract).

Regarding claim 14, Chirnomas discloses the vending machine according to claim 1 further comprising an information screen (24) located on a front portion of the machine capable of playing prerecorded messages such as information messages about the damage caused by disposable plastic bags.

Conclusion

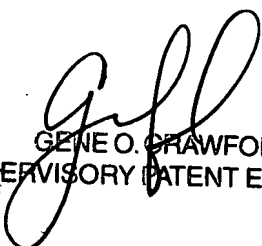
4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael K. Collins whose telephone number is (571) 272-8970. The examiner can normally be reached on 8:30 am - 5:00 pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene O. Crawford can be reached on (571) 272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

M.C.
7/17/2007


GENE O. CRAWFORD
SUPERVISORY PATENT EXAMINER